

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**MARIO FRANCO,**

**Plaintiff,**

**v.**

**5:16-CV-634  
(FJS/TWD)**

**POLICE OFFICER JOHN GUNSALUS and  
POLICE OFFICER SHAWN KELLY, sued in  
their individual capacities,**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**THE LAW OFFICE OF FRED  
LICHTMACHER P.C.**

**FRED B. LICHTMACHER, ESQ.**

116 West 23rd Street, Suite 500  
New York, New York 10011  
Attorneys for Plaintiff

**CITY OF SYRACUSE  
CORPORATION COUNSEL**

**CHRISTINA F. DEJOSEPH, ESQ.  
TODD M. LONG, ESQ.**

300 City Hall  
233 East Washington Street  
Syracuse, New York 13202  
Attorneys for Defendants

**SCULLIN, Senior Judge**

**ORDER**

On April 10, 2019, Defendants filed a motion to stay all proceedings until the Second Circuit rendered its decision with regard to their interlocutory appeal based on their defense of qualified immunity. *See* Dkt. No. 94. After the Court issued a Text Order rescheduling, among other things, the return date for that motion, *see* Motion Rescheduling Notice dated April 11, 2019, Defendants filed a letter motion requesting the withdrawal of their motion to stay, *see* Dkt. No. 95. Simultaneously with

the filing of that letter request, Defendants filed a motion by Order to Show Cause to stay all proceedings in this matter, including the July 8, 2019 trial, until the Second Circuit rendered its decision with regard to their interlocutory appeal based on their defense of qualified immunity. *See* Dkt. No. 96.

Having reviewed Defendants' submissions, the Court hereby

**ORDERS** that Defendants' letter motion requesting withdrawal of their motion , *see* Dkt. No. 94, to stay pending the Second Circuit's determination of their interlocutory appeal, *see* Dkt. No. 95, is **GRANTED**; and the Court further

**ORDERS** that counsel shall appear before the Court for oral argument regarding Defendants' motion by Order to Show Cause staying all further proceedings in this matter pending the Second Circuit's decision with regard to their interlocutory appeal based on their defense of qualified immunity on **April 30, 2019, at 12:00 p.m.** This proceeding shall occur by videoconference with counsel appearing in the **12th Floor Video Conference Room** at the **James Hanley U.S. Courthouse and Federal Building in Syracuse, New York**; and the Court further

**ORDERS** that Plaintiff shall file his response in opposition to Defendants' motion on or before **April 23, 2019**; and the Court further

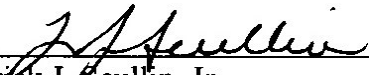
**ORDERS** that Defendants shall file their reply, if any, in further support of their motion on or before **April 26, 2019**; and the Court further

**ORDERS** that Defendants' service of a copy of their motion, *see* Dkt. No. 96, and the declaration and memorandum of law in support of their motion, *see* Dkt Nos. 96-1, 96-2, on Plaintiff's counsel via the Court's Electronic Filing System ("CM/ECF") on April 12, 2019, shall constitute service of said motion on Plaintiff; and the Court further

**ORDERS** that the filing of this Order via CM/ECF shall constitute service and notice of this Order on all parties.

**IT IS SO ORDERED.**

Dated: April 15, 2019  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge